



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: PD-1

May 13, 2010

TO: Each Supervisor

FROM: Gail Farber
Director of Public Works

A handwritten signature in cursive script that reads "Gail Farber".

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY BOARD MEETING OF APRIL 26, 2010

On April 26, 2010, my staff attended the regular Board meeting of the Alameda Corridor-East (ACE) Construction Authority. A copy of the April 26, 2010, agenda and adopted minutes of the March 22, 2010, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County of Los Angeles.

Agenda Item VI – The Chief Executive Officer (CEO) reported that ACE distributed notice letters concerning the proposed certification of the Final Environmental Impact Report/Environmental Assessment for the San Gabriel Trench Grade Separation project and continued to coordinate with Native American tribes regarding the handling of artifacts discovered during the preliminary engineering and surveying process.

Agenda Item VII – The Board approved a recommendation to authorize the CEO to negotiate a construction management services contract with PB Americas, Inc., for the Nogales Street (L.A. Subdivision) Grade Separation project and for fiber optic relocation necessary for the San Gabriel Trench project.

Agenda Item VIII – The Board approved a recommendation to authorize a reimbursable work authorization with the Southern California Gas Company for utility relocation necessary for the Nogales Street (L.A. Subdivision) Grade Separation project, with ACE's share of the relocation estimated to be \$1,117,862.

Agenda Item IX – The Board approved a recommendations to:

- Certify the Final Environmental Impact Report for the San Gabriel Trench project.
- Adopt the Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program for the San Gabriel Trench project.
- Authorize ACE to begin right-of-way acquisition for the San Gabriel Trench project.

Agenda Item X – The Board approved a recommendation to authorize the CEO to execute contract change orders to the design and engineering services agreement with Moffatt & Nichol for the San Gabriel Trench project, in an amount not to exceed 10 percent of the current value of \$25,006,378.

Agenda Item XI – The Board approved recommendations to:

- Accept the construction contract with SEMA Construction, Inc., for the Temple Avenue Fourth Track project as completed in conformance with the project plans and specifications, with a final contract amount of \$12,399,936.
- Approve the final closeout of the construction contract with SEMA Construction, Inc., and authorize the Contracts Manager to release the Labor and Materials Bond and the Faithful Performance Bond upon the expiration of the required lien period, if no claims or objections have been filed, with the concurrence of the CEO.

The next Board meeting will be held on May 24, 2010, at 2 p.m., at the Irwindale City Hall Chambers.

HF:pr

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Attach.

cc: Chief Executive Office (William T Fujioka, Lari Sheehan)
Executive Office



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY

BOARD OF DIRECTORS

REGULAR MEETING AGENDA

Monday, April 26, 2010 – 2:00 P.M.

Irwindale City Hall

5050 Irwindale Avenue

Irwindale, CA 91706

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

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| I. | Pledge of Allegiance | |
| II. | Roll Call and Introductions | |
| III. | Approval of Minutes of March 22, 2010 Board Meeting (Pages 1-5) | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | |
| VI. | Chief Executive Officer's Report (Pages 6-10) | Information |
| VII. | Approval of Selection and Contract Award for Construction Management Services for the Nogales Street Grade Separation (Pages 11-12) | Action |
| VIII. | Approval of Agreement with Southern California Gas Company for Utility Relocation for the Nogales Street Grade Separation (Page 13) | Action |
| IX. | Certification of the Final Environmental Impact Report and Authorization for Property Acquisition for the San Gabriel Trench (Pages 14-91) ✓ | Action |
| X. | Approval of Contingency Authorization for the San Gabriel Trench Design Contract with Moffatt & Nichol (Pages 92-93) ✓ | Action |
| XI. | Approval of Close Out of Temple Avenue 4 th Track Infrastructure Construction Contract with SEMA Construction (Pages 94-95) | Action |
| XII. | Quarterly Project Report (Pages 96-111) | Information |

The ACE Construction Authority is constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member. Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes. All disclosable public records related to this meeting are available for viewing at the ACE office above during normal working hours.

- XIII. Closed Session: The Board will adjourn to closed in accordance with Government Code Section 54965.9(a) to discuss existing litigation (two cases)
Los Angeles Superior Court Case No. BS 1223376
Edward Rowland LLC and Golden Pacific Realty vs ACE Construction Authority & Caltrans
And
Los Angeles Superior Court Case No. BC429699
Alameda Corridor-East Construction Authority vs MIPCO, L.L.C., et al.
- Possible
Action
- Possible
Action
- XIV. Adjournment
- Action



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ACE Construction Authority Board of Directors March 22, 2010 Meeting Minutes

1. **Roll Call** – Chairman Spohn called the meeting to order at 2:03PM at the City of Irwindale Council Chambers. In attendance were:

Tim Spohn, Industry
Tom King, SGVCOG
David Gutierrez, San Gabriel
Patricia Wallach, El Monte
Michael Antonovich, County of Los Angeles
Steven Atchley, Pomona

Staff

Rick Richmond, Chief Executive Officer
Joe Silvey, Counsel
Charles Tsang
Victoria Butler
Regina Talamantez
Lou Cluster
Yanin Rivera
Deborah Massey
Cecilia Cardenas
Cindi Ambrose

Guests

Allen Ude, LA County Public Works
Jeanne Harwin, Jacobs Engineering
Bryce Little, PB Americas
Shafi Sharifan, ID Consultants
Polly Ann Walton, Athalye Consulting

2. **Pledge of Allegiance** – Member Gutierrez led the pledge of allegiance.
3. **Approval of February 22, 2010** – A motion was made to approve the minutes of January 25, 2010. M/S/C/Gutierrez/King /Unanimous
4. **Public Comments** – There were no public comments.
5. **Chair Report** – Chairman Spohn reported the meetings with legislators in Washington, DC were very successful. He and members, King and Gutierrez participated in discussions with key legislators and their staff to report the

progress and funding needs for the completion of the ACE Project. He indicated he was optimistic for future ACE funding. He complimented the work of ACE Washington representative Kevin Jones. He also expressed appreciation to Rick Richmond, Deanna Stanley and Paul Hubler for the excellent efforts and coordinating the trip and meetings. He also thanked the SGVCOG, Foothill Transit and the San Gabriel Valley Economic Partnership for continuing to co-host the annual event.

Mr. David Gutierrez also thanked the ACE staff for the great job and effort in preparation for the legislative meeting in Washington. He also added that Mr. Spohn did a great job leading the meetings and stated that people were happy with all the information he gave them.

Mrs. Pat Wallach said she couldn't attend but that she also heard great comments from outside people on Mr. Spohn and that it was a great team effort.

6. **Chief Executive Officer's Report** – Mr. Richmond updated the Board on the Authority's agreement with the holder of the commercial paper, BayerLB. He indicated the deadline to notice ACE of termination has passed and under the terms of the agreement coverage will continue until 2015.

Mrs. Victoria Butler presented progress photos for the Sunset Ave. grade separation project.

7. **Approval of Closeout of East End Ave/Reservoir St. Construction Contract and Project Acceptance** - Mr. Richmond reviewed the history of the project. He indicated both grade separations were constructed by Ortiz Enterprises and work began in mid 2004. The Reservoir Street grade separation opened to traffic in December 2006 and work continued on East End Ave which opened to traffic in May 2008. He reminded the Board that there were claim disputes which were resolved through Board authorization for a final settlement in January 2010. He requested to close out the contract and release the bond with Ortiz Enterprises, Inc. as all construction work was accepted and claims settled.

A motion was made to accept the East End Ave and Reservoir Street construction contract with Ortiz Enterprises, Inc. as being completed in conformance with the project plans and specifications, approve the final closeout of the contract and authorize the Contracts Manager to release the labor and materials bond and faithful performance bonds upon expiration of the required

lien period, if no claims or objections have been filed, upon concurrence of the Chief Executive Officer.

M/S/C/King/Atchley/Unanimous

8. **Approval of Amendment to FY 2010 Task Order for Engineering Survey Services with Wagner Engineering** – Mr. Richmond explained that Wagner Engineering is currently performing additional surveying work required but not anticipated at the time their budget was prepared. At Baldwin Ave they are performing services for a reconfiguration of driveways. At Nogales they are currently involved with modifications for the detour road realignment as well as parcels involved in property acquisition negotiations. These additional services require \$38,000 for FY 2010 resulting in a total task order value of \$174,200.

A motion was made to amend the 2010 fiscal year task order with Wagner Engineering & Survey to provide additional services necessary for closing out Brea Canyon Road grade separation and for survey work for the Nogales street grade separation project at an additional cost not to exceed \$38,000 resulting in a new FY task order of \$174,000.

M/S/C/Atchley/Gutierrez/Unanimous

9. **Approval of Project Definition Report for the San Gabriel Trench project** - Regina Talamantez, Senior Project Manager, reviewed elements of the San Gabriel Trench Project. She indicated the 2.2 mile project would begin in the City of Alhambra along San Gabriel Blvd and terminate in the City of Rosemead. She indicated the four crossings would be eliminated at Walnut Grove, Ramona St., Mission Rd, Del Mar Ave and San Gabriel Blvd. over the Union Pacific rail line in the City of San Gabriel. She indicated ACE would use a single prime construction contractor for all project elements not performed by the UPRR or utility company contractors. Ms. Talamantez reviewed at length the scope to be completed by the contractor including grading, track installation, construction of bridges, abutments, substructure, superstructure, construction of pikes, pile caps and tiebacks for trench walls.

She reviewed the utility relocations necessary and indicated staff is working with the utility companies and design consultant to find the most cost effective relocation alternatives. She also reviewed at length traffic detours and schedule.

A motion was made to approve the Project Definition Report for the San Gabriel Trench construction and grade separations at Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Blvd in the City of San Gabriel.
M/S/C/King/Atchley/Unanimous

10. Approval of Property Requirements for the San Gabriel Trench Project –

Mr. Richmond reminded the Board that prior to staff initiating property acquisition activities the property inventory require Board's approval. Ms. Talamantez reviewed at length the inventory of properties which included full acquisition of one full property, currently used as public storage facility. She indicated 48 partial acquisitions were required that affect 63 properties. Properties are required for bridge widening, tiebacks, shoofly signal houses, pedestrian crossings and utility and construction easements. The majority of requirements are for permanent easements for tiebacks.

A motion was made to approve of the property requirements for the San Gabriel Trench. This authorization is subject to our future approval of a Finding of No Significant Impact (FONSI) for the project and completion of State and Federal environmental compliance processes (CEQA/NEPA).
M/S/C/King/Atchley/Unanimous

11. State Transportation Legislation – Paul Hubler gave a brief explanation of the state's gasoline tax and excise tax that would potentially be redirected upward of \$1.1 billion toward shrinking a resurgent budget deficit. He indicated the Governor expected to make a decision by the end of the week. The Bill is to repeal sales tax in gas, about .18 per gallon and be dedicated to public transportation projects. Mr. Hubler will continue monitoring and will give more information.

12. Closed Session – Counsel reported the Board would adjourn to closed session in accordance with Government Code Section 54965.9(a) to discuss existing litigation: to discuss real property negotiations ACE Construction Authority and Altec Industries Inc. and in accordance with Government Code Section 54965.9(a) to discuss existing litigation: Los Angeles Superior Court Case No. BS 1223376, Edward Rowland LLC and Golden Pacific Realty vs ACE Construction Authority.

The Board returned from open session and Counsel announced that the Board, on a motion by King and seconded by Atchley and upon an affirmative vote by

Spohn, King, Gutierrez, Wallach, Antonovich and Atchley agreed to pay Altec Altec Industries \$325,000 to settle pending eminent domain litigation of acquisition of a permanent easement for the Temple Avenue Train Diversion Project. Counsel indicated with regard to discussion on the Rowland and Golden Pacific Realty vs ACE the Board had not taken any actions that needed to be reported.

13. **Adjournment** –The meeting was adjourned at 3:22PM in memory of Ed Wallach, husband of member Patricia Wallach.